UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,736	09/18/2003	Stephen C. O'Neal	MS#180503 . 02 (4950.1)	5613

321   7590   02/09/2005

SENNIGER POWERS LEAVITT AND ROEDEL
ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS, MO 63102

EXAMINER
NGUYEN, DUC MINH

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/664,736	O'NEAL ET AL.
	Examiner	Art Unit	
	Duc Nguyen	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is

    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 12-13, 17-18, 20-23, 26-30, 34 are rejected under 35 U.S.C. 102(e) as being

anticipated by Brandt et al (6,377,993).

Consider claims 1, 28-30. Brandt teaches an apparatus for managing access to

transaction services, comprising query logic (query generation and execution; col. 4, ln. 18-27),

configured to query telecommunication transaction records (col. 3, ln. 38-61; priced call data) for

an user's account to detect an account event (report options and criteria; col. 18, ln. 52 to col. 19,

ln. 14; col. 27, ln. 15-27); and an event monitor (col. 7, ln. 56-65; col. 13, ln. 55-65; col. 14, ln.

10-22; col. 15, ln. 60 to col. 16, ln. 2; col. 16, ln. 56 to col. 17, ln. 3; col. 18, ln. 52 to col. 19, ln.

14; col. 21, ln. 38-56), configured to prescribe the account event, and, upon detection of the

event, to manage access to the transaction services as a function of the transaction cost associated

with the transaction record of the detected account event (e.g., the harvesting component 440

may additionally perform an aggregation function for supporting long term storage and rapid

access of data for customer reporting, and performs trigger actions/events based on predefined

criteria; column(s) 19, line(s) 15-43), the event monitor prescribing the account event in response

to a command initiated by a user from a remote computer (col. 3, ln. 38-61; col. 15, ln. 60 to col. 16, ln. 2).

Consider claim 2. Brandt further teaches a user prescribed the account event from a remote computer that is executing a thin web client application program (col. 7, ln. 56-65; col. 15, ln. 60 to col. 16, ln. 2; col. 17, ln. 21-36; col. 3, ln. 38-61; col. 15, ln. 60 to col. 16, ln. 2).

Consider claims 3, 13. Brandt further teaches fields of the telecommunication transaction records include a calling number, a transaction date, a transaction time, a called number, a called place, transaction duration, and a transaction cost (col. 18, ln. 52 to col. 19, ln. 14). It is also noted that Call Detail Record (CDR) is defined as an accounting record produced by Switches to track Call Type, Time, Duration, Facilities used, Originator, Destination, etc. CDRs are used for customer billing, rate determination, network monitoring, and facility capacity planning. Therefore, Brandt inherently discloses the query are selected from group consisting of calling device, device called, area called, transaction duration, transaction cost (StarODS stores and incrementally processes customer's priced data included in call detail records, column(s) 18, line(s) 29-51), date of transaction, and time of transaction.

Consider claim 4. Brandt further teaches the account event comprises a logical combination of one or more states of the fields, the logical combination of field states being specified by the user (col. 27, ln. 16-27; ln 63 to col. 28, ln. 60, tables 1-2).

Consider claims 5, 14. Brandt further teaches the event monitor automatically executing a prescribed response when the account event is detected (col. 7, ln. 56-65; col. 15, ln. 60 to col. 16, ln. 2; col. 16, ln. 15-48; col. 17, ln. 21-36col. 18, line(s) 53 to column(s) 19, line(s) 14).

Consider claims 11, 20. Brandt further teaches each of the transaction records documents a specific transaction service event, wherein the specific event comprises a local toll call, a long distance call or a calling card call (col. 18, ln 52 to col. 19, ln. 14; col. 34, ln. 47 to col. 35, ln. 16).

Consider claims 12, 21-24, 32, 34. Brandt teaches an apparatus for managing access to transaction services, comprising a billing server (col. 3, ln. 62 to col. 4, ln. 17; col. 8, ln. 15-51; fig. 8); database query logic (query generation and execution; col. 4, ln. 18-27), configured to query telecommunication transaction records (col. 3, ln. 38-61; priced call data) for an user's account to detect an account event (report options and criteria; col. 18, ln. 52 to col. 19, ln. 14; col. 27, ln. 15-27); an event monitor (col. 7, ln. 56-65; col. 13, ln. 55-65; col. 14, ln. 10-22; col. 15, ln. 60 to col. 16, ln. 2; col. 16, ln. 56 to col. 17, ln. 3; col. 18, ln. 52 to col. 19, ln. 14; col. 21, ln. 38-56), configured to prescribe the account event, and, upon detection of the event, to manage access to the transaction services as a function of the transaction cost associated with the transaction record of the detected account event (e.g., the harvesting component 440 may additionally perform an aggregation function for supporting long term storage and rapid access of data for customer reporting, and performs trigger actions/events based on predefined criteria; column(s) 19, line(s) 15-43), the event monitor prescribing the account event in response to a command initiated by a user from a remote computer (col. 3, ln. 38-61; col. 15, ln. 60 to col. 16, ln. 2); and web server (fig. 5, col. 7, ln. 56-65).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4. Claims 6-10, 15-18, 25-27, 31, 33 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Brandt et al (6,377,993) in view of Eggleston et al (5,764,899).

Consider claims 6-7, 15-16. Brandt does not clearly teach that the prescribed response

comprises an alert response. Eggleston teaches that the prescribed response comprises an alert

response (col. 3, ln. 57 to col. 4, ln. 3; col. 5, ln. 44-53; col. 6, ln. 24-57; col. 9, ln. 39-61; col. 13,

ln. 60 to col. 15, ln. 41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to utilize the teachings of Eggleston into the teachings of Brandt to assist

clients in maintaining their messaging and expenses within desired limits.

Consider claim 8. Brandt further teaches the user and service provider are alerted by

email (col. 7, ln. 56-65; col. 15, ln. 60 to col. 16, ln. 2).

Consider claims 9-10, 17-18, 25-27, 31. Eggleston further teaches the prescribed

response comprises a control response, wherein the control response comprises limiting access of

the user to specified transaction services (col. 3, ln. 57 to col. 4, ln. 3; col. 14, ln. 23-52).

Consider claim 19. Eggleston further teaches the control response comprises increasing a

credit limit for the user by a specified amount (col. 14, ln. 23-52).

Consider claim 33. Brandt further teaches the user and service provider are alerted by email (col. 7, ln. 56-65; col. 15, ln. 60 to col. 16, ln. 2).

Response to arguments

Regarding the Brandt reference, applicant states, "Brandt fails to teach or suggest the detection of account events from up-to-date transaction records that include transaction costs." In contrast to applicant's assertions, Brandt clearly teaches real-time data processing (column(s) 2, line(s) 66 to column(s) 3, line(s) 11, line(s) 48-52; priced call detail data, column(s) 4, line(s) 4-7, line(s) 19-27; column(s) 12, line(s) 49-57; un-priced and priced call data, column(s) 13, line(s) 8-15, line(s) 55-65; StarODS stores and incrementally processes customer's priced data included in call detail records, column(s) 18, line(s) 29-51; up-to-date data, column(s) 43, line(s) 45-49).

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Duc Nguyen whose telephone number is 703-308-7527. The

examiner can normally be reached on 7:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Duc Nguyen
Primary Examiner
Art Unit 2643

2/5/05